

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEXTER E. DALE,

Plaintiff,

v.

L. FERNANDEZ and L. LOUGH,

Defendants.

No. C 05-01842 JSW

COURT'S INTENDED VOIR DIRE

The following constitutes the Court's Intended Voir Dire. The parties shall file any objections by no later than July 23, 2012.

IT IS SO ORDERED.

Dated: July 11, 2012


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

1 Plaintiff Dexter E. Dale claims that Defendants Lillian Lough and Louella Fernandez,
2 to whom I will refer collectively as Defendants, failed to adequately treat his left knee pain in
3 prison at the Correctional Training Facility in Soledad, California. Plaintiff argues
4 Defendants violated his Eighth Amendment right, under the United States Constitution, to be
5 free from cruel and unusual punishment because they were deliberately indifferent to
6 Plaintiff's serious medical needs when (1) Nurse Lough treated him on April 16, 2003; and,
7 (2) when he presented to Nurse Fernandez at the sick-call window on April 22, 2003, to be
8 scheduled for a doctor's appointment.

9 However, Defendants claim they provided appropriate care and a timely doctor's
10 appointment.

11 QUESTIONS

- 12 1. Have any of you heard or read anything about the case?
- 13 2. As I said, my name is Jeffrey S. White. Do any of you know me?
- 14 3. My courtroom deputy is Jennifer Ottolini and my Law Clerks are Daisy Salzman,
15 Melissa Goldberg, and Kristin Ring. Do any of you know any of these people?
- 16 4. Plaintiff is Dexter E. Dale. He is being represented by Amy Thayer and Carl
17 Gismervig of the Dechert LLP law firm.
 - 18 a. Are any of you familiar with or do any of you know Plaintiff or his counsel?
- 19 5. The Defendants in this case are Registered Nurse Louella Fernandez and Registered
20 Nurse Lillian Lough. At the time of the events in issue, Defendants were nurses at
21 the Correctional Training Facility in Soledad, California, which is a state prison.
22 Defendants are represented by Daniel B. Alweiss.
 - 23 a. Are any of you familiar with or do any of you know Defendants or their
24 counsel?
- 25 6. During trial, in addition to the Plaintiff and the two Defendants, the parties may call
26 the following witnesses: Dr. Victor Prieto, Registered Nurse Kathryn J. Wild, Dr.
27 Cesar L. Sinnaco, Dr. Donald Pompan, and Dr. Timothy Friederichs.
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- 1 a. Are any of you familiar with or do any of you know any of the potential
2 witnesses?
- 3 7. Do any of you have any belief or feeling toward any of the parties, attorneys or
4 witnesses that might be regarded as a bias or prejudice for or against any of them?
- 5 8. Without having received any evidence in this case, based on hearing the brief
6 statement of the case I read to you, does anyone think Nurse Lough or Nurse
7 Fernandez actually were deliberately indifferent to the serious medical needs of Mr.
8 Dale?
- 9 9. Do any of you have any interest, financial or otherwise, in the outcome of this case?
- 10 10. Have any of you, or has any member of your family or any close friend, ever been in
11 a prison?
- 12 a. If yes, is there anything about that experience that might affect your ability to
13 remain impartial in this case?
- 14 11. Have any of you, or has any member of your family or any close friend, ever been
15 employed at a prison?
- 16 a. If so, what prison and what relation are they to you?
- 17 b. Did any of you discuss their work with them?
- 18 c. Is there anything about that discussion that might affect your ability to remain
19 impartial in this case?
- 20 12. Have any of you, or has any member of your family or any close friend, ever received
21 what you or they considered to be poor medical care either related to nurses or to
22 timeliness?
- 23 a. Is there anything about that experience that might affect your ability to remain
24 impartial in this case?
- 25 13. Do any of you believe that a case of this nature should not be brought into court and
26 resolved by a jury?
- 27 14. Have any of you, or has any member of your family or any close friend, ever filed a
28 claim or lawsuit against anyone for any kind of personal injury?

- 1 15. Have any of you, or has any member of your family or any close friend, ever had a
2 claim or lawsuit filed against you (or them) where damages for personal injury were
3 sought?
- 4 16. Have any of you, or has any member of your family or any close friend, ever been a
5 defendant in a criminal case or a case involving the Department of Corrections?
6 a. Is there anything about that experience that would prevent you from being a
7 fair and impartial juror in this case?
- 8 17. Have any of you, or has any member of your family or any close friend, ever had an
9 unpleasant experience with a State of California agency or department, or with any
10 other government agency or department that has affected your attitude about
11 government employees in general?
12 a. Is there anything about that experience that would prevent you from being a
13 fair and impartial juror in this case?
- 14 18. Do you or any member of your family or a close friend have any special training,
15 experience or expertise in any of the following fields: Medicine? Law? Criminal
16 Justice?
- 17 19. Have any of you read any or are any of you aware of any media reports regarding the
18 Department of Corrections and its medical care system?
19 a. Is there anything about that which would prevent you from being a fair and
20 impartial juror in this case?
- 21 20. Can you assure us that you will only judge the facts of this case based on the
22 evidence presented to you here and not based on anything you may have learned from
23 the media?
- 24 21. The Plaintiff in this case is an inmate in state prison. Would any of you have
25 difficulty believing someone solely because they are an inmate in state prison?
- 26 22. Do any of you believe an inmate who has had his Constitutional rights violated,
27 should not be entitled to compensation for his injuries?
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- 1 23. Having heard the questions put to you by the Court, does any other reason suggest
2 itself to you as to why you could not sit on this jury and render a fair verdict based on
3 the evidence presented to you and in the context of the Court's instructions to you on
4 the law?
- 5 24. Is there anything else that you would like to bring to the Court's attention (e.g., health
6 problems, hearing problems, difficulty understanding English, personal bias, financial
7 problems, etc.) that might affect your ability to be an effective, fair and impartial
8 juror?
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